



IT IS HEREBY ADJUDGED and DECREED that the below described is SO ORDERED.

Dated: September 07, 2022.



MICHAEL M. PARKER
UNITED STATES BANKRUPTCY JUDGE

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

In re:

deeproot Capital Management, LLC, *et al.*,¹

Debtors.

Chapter 7

Case No. 21-51523 (MMP)

(Jointly Administered)

**ORDER REGARDING EXPEDITED MOTION TO QUASH BANKRUPTCY
RULE 2004 EXAMINATION NOTICES WITH SUBPOENA DUCES TECUM**

Came upon for consideration the *Expedited Motion to Quash Bankruptcy Rule 2004 Examination Notices with Subpoena Duces Tecum* [Dkt. No. 137] (the “**Motion**”)² filed by

¹ The administratively consolidated chapter 7 cases, along with their respective case numbers and the last four digits of each Debtor’s federal tax identification number, are: *In re Policy Services, Inc.*, 21-51513 (2864), *In re Wizard Mode Media, LLC*, 21-51514 (3205), *In re deeproot Pinball LLC*, 21-51515 (0320), *In re deeproot Growth Runs Deep Fund, LLC*, 21-51516 (8046), *In re deeproot 575 Fund, LLC*, 21-51517 (9404), *In re deeproot 3 Year Bonus Income Debenture Fund, LLC*, 21-51518 (7731), *In re deeproot Bonus Growth 5 Year Debenture Fund, LLC*, 21-51519 (9661), *In re deeproot Tech LLC*, 21-51520 (9043), *In re deeproot Funds LLC*, 21-51521 (9404), *In re deeproot Studios LLC*, 21-51522 (6283), and *In re deeproot Capital Management, LLC*, 21-51523 (2638).

² Capitalized terms used but not defined herein are intended to have the meanings ascribed to them in the Motion. Docket entries refer to those in chapter 7 Case No. 21-51523 (MMP) .

Cycladic International, LLC, (“*Cycladic International*”), Cycladic, LLC (“*Cycladic*”), and Thomas N. Andrew (“*Andrew*” and together with Cycladic International and Cycladic, the “*Subpoena Respondents*”) seeking relief concerning a certain examination notices that John Patrick Lowe, Chapter 7 Trustee (the “*Trustee*”) issued to the Subpoena Respondents pursuant to Federal Rule of Bankruptcy Procedure 2004 (the “*Rule 2004 Notices*”) along with subpoenas *duces tecum* the Trustee issued accompanying the Rule 2004 Notices (the “*Subpoenas*” and together with the Rule 2004 Notices, the “*Discovery*”) [Dkt. No. 129]; and the Court having jurisdiction to consider the Motion and the relief requested therein pursuant to 28 U.S.C. §§ 157(a)–(b) and 1334(b); and consideration of the Motion and the requested relief being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and due and proper notice of the Motion having been provided, and it appearing that no other or further notice need be provided; and the Court having held an expedited hearing on September 1, 2022 (the “*Hearing*”) with counsel for the Subpoena Respondents and the Trustee appearing; and the Court, having considered the Motion and the arguments of counsel at the Hearing, has determined that the Motion should be GRANTED in part and DENIED in part as set forth herein and decided on the record at the Hearing.

IT IS HEREBY ORDERED THAT

1. The Motion is DENIED with respect to the Trustee’s designated topics for examination set forth in the Rule 2004 Notices.
2. The Motion is GRANTED to the extent the Trustee seeks Discovery for the period prior to September 1, 2012.
3. The Motion is DENIED to the extent that it seeks to quash requests seeking documents and communications belonging to Dover Capital Strategies LLC and Anemos

Consulting, Inc. The Trustee may seek documents and communications belonging to the foregoing entities that are in Thomas Andrew's possession, custody, and control.

4. The Motion is GRANTED to the extent that the Trustee's Request No. 11 seeks discovery from "any Person." The phrase "any Person" is hereby stricken from Trustee's Request No. 11 and replaced with the name "Russell Hagan."

5. The Trustee withdrew Trustee's Request No. 15 on the record at the Hearing and such request is hereby stricken from the Discovery.

6. The Motion is GRANTED to the extent Trustee's Request Nos. 18-20 seek discovery about compensation and/or distributions of funds that were not received from, or otherwise related to funds received from, Policy Services, Inc. ("**PSI**").

7. The Motion is GRANTED to the extent Trustee's Request Nos. 17, 21 and 22 seek discovery that is not related to funds received from PSI. The Trustee's Request Nos. 17, 21 and 22 are hereby limited to financial and banking records that evidence funds received from PSI.

8. The Motion is otherwise DENIED except as to the relief specifically set forth herein.

9. The Court shall retain jurisdiction to enforce and interpret this Order, along with any disputes related thereto.

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PREPARED AND SUBMITTED BY:

/s/ Stephen J. Humeniuk

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Counsel for Cycladic International, LLC;

Cycladic, LLC; and Thomas N. Andrew

AGREED TO AS TO FORM:

/s/ W. Drew Mallender

Randall A. Pulman

W. Drew Mallender

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2161 NW Military Hwy., Suite 400

San Antonio, TX 78213

Telephone: (210) 222-9494

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dmallender@pulmanlaw.com

Counsel for John Patrick Lowe,

Chapter 7 Trustee

United States Bankruptcy Court
Western District of Texas

In re:
deeproot Capital Management, LLC
deeproot Capital Management, LLC
Debtors

Case No. 21-51523-mmp
Chapter 7

CERTIFICATE OF NOTICE

District/off: 0542-5
Date Rcvd: Sep 07, 2022

User: admin
Form ID: pdfintp

Page 1 of 5
Total Noticed: 42

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
#	Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update. While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.
##	Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 09, 2022:

Recip ID	Recipient Name and Address
db	#+ deeproot Capital Management, LLC, 12621 Silicon Dr, San Antonio, TX 78249-3447
aty	+ Pulman Cappuccio & Pullen, LLP, c/o Randall A. Pulman, 2161 NW Military Hwy., Suite 400, San Antonio, TX 78213-1844
cr	+ Beverly O'Neal, 18940 Columbus Mill Dr, New Caney, TX 77357-2076
cr	Brenda E. Jennings, P.O. Box 14693, Houston, TX 77221-4693
cr	+ CCW Braun Heights, LLC, 22809 Citron Circle, San Antonio, TX 78260-7728
cr	+ Carrie Blair, 1171 E FM 193, Afton, TX 79220-4900
cr	+ Clara Dean, 375 Private Road 7135, Colmesneil, TX 75938-5427
cr	+ Cliff Conrad, 22809 Citron Circle, San Antonio, TX 78260-7728
cr	+ Clyde R. and Shirley Watson, 2209 Westside Dr., Deer Park, TX 77536-3945
intp	+ Cynthia E. Bryant, 3419 Justinian, Jefferson, IN 47130-8629
cr	+ David and Paula Burke, 2914 East Lake Falls Circle, Spring, TX 77386-2904
cr	+ Donald W. Cook, 6243 Settlers Lake Cir E, Katy, TX 77449-2061
intp	+ Greg Murray, 1503 Tarton Lane, San Antonio, TX 78231-2427
cr	+ Helene Cook, 6243 Settlers Lake Circle East, Katy, TX 77449-2061
cr	+ Jack S. and Shirley Daniel, 2214 Killarney Ln, Deer Park, TX 77536-4060
cr	+ Jacquelin A. Peters-Farrar, 510 Call Ct., New Baden, IL 62265-2001
cr	+ James O'Neal, 18940 Columbus Mill Dr, New Caney, TX 77357-2076
intp	+ Jason McKinnie, McKinnie & Paul, PLLC, 8610 N. New Braunfels Ave., Suite 320, San Antonio, TX 78217-6358
cr	+ JoAnn Wells, Trustee Wells Trust, 2495 Sawdust Rd, Apt 2415, The Woodlands, TX 77380-3384
cr	+ Judith L Werner Tee Judith L. Werner RLT, 81 Elkins LK, Huntsville, TX 77340-7302
cr	+ Karen Ready, 1927 Topside Court, Crosby, TX 77532-5004
cr	+ Kim Marchwicki, 9603 Boerne Spring, Boerne, TX 78006-9394
intp	+ Lawson C. Horner, III, 3700 E. Williams Field, #1096, Gilbert, AZ 85295-1150
cr	+ Mary B. Summy, 125 Culbertson Loop, Livingston, TX 77351-5981
cr	+ Mary G. Marquis, 14019 SW Fwy, Ste 301, Box 163, Sugar Land, TX 77478-3551
intp	+ Mel T. Davis, P.O. Box 236, Elmendorf, TX 78112-0236
cr	+ Pauline Rubin, 11123 Renwick Dr., Houston, TX 77096-6138
cr	+ Philip J. Erdmann, 18319 Glenn Haven Estates Drive, Houston, TX 77379-2769
jaddb	+ Policy Services, Inc., 12621 Silicon Dr., San Antonio, TX 78249-3447
cr	Richard T. Jennings, P.O. Box 14693, Houston, TX 77221-4693
cr	+ Roberta L. Erdmann, 18319 Glenn Haven Estates Dr., Spring, TX 77379-2769
cr	+ Silicon Drive Office Venture, LLC, c/o SMFAD Law, 1001 McKinney Street, Suite 1100, Houston, TX 77002-6424
jaddb	#+ Wizard Mode Media, LLC, 12227 S Business Park Dr, Suite 130, Draper, UT 84020-6515
jaddb	#+ deeproot 3 Year Bonus Income Fund, LLC, 12621 Silicon Dr, San Antonio, TX 78249-3447
jaddb	#+ deeproot 575 Fund, LLC, 12621 Silicon Dr, San Antonio, TX 78249-3447
jaddb	#+ deeproot BonusGrowth 5 Year Debenture Fund, LLC, 12621 Silicon Dr, San Antonio, TX 78249-3447
jaddb	#+ deeproot Funds, LLC, 12621 Silicon Dr, San Antonio, TX 78249-3447
jaddb	#+ deeproot Growth Runs Deep Fund, LLC, 12621 Silicon Dr, San Antonio, TX 78249-3447
jaddb	#+ deeproot Pinball, LLC, 12621 Silicon Dr., San Antonio, TX 78249-3447
jaddb	#+ deeproot Studios, LLC, 12621 Silicon Dr, San Antonio, TX 78249-3447
jaddb	#+ deeproot Tech, LLC, 12621 Silicon Dr, San Antonio, TX 78249-3447

District/off: 0542-5

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Total Noticed: 42

TOTAL: 41

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
cr	Email/Text: bcd@oag.texas.gov	Sep 07 2022 22:09:00	Texas Workforce Commission, Christopher S.Murphy, P.O. Box 12548, Austin, TX 78711-2548

TOTAL: 1

BYPASSED RECIPIENTS**The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.**

Recip ID	Bypass Reason	Name and Address
jaddb	*+	deeproot Capital Management, LLC, 12621 Silicon Dr, San Antonio, TX 78249-3447
cr	##+	Judy Marsolan, 1133 E Hawkins Parkway, Apt. 142, Longview, TX 75605-8051

TOTAL: 0 Undeliverable, 1 Duplicate, 1 Out of date forwarding address

NOTICE CERTIFICATION**I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.****Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Sep 09, 2022

Signature: /s/Gustava Winters**CM/ECF NOTICE OF ELECTRONIC FILING****The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 7, 2022 at the address(es) listed below:**

Name	Email Address
A. Craig Hale	on behalf of Creditor Draper 5 LLC achale@halewoodlaw.com
Catherine A. Curtis	on behalf of JointAdmin Debtor deeproot 3 Year Bonus Income Fund LLC catherine.curtis@wickphillips.com, brenda.ramirez@wickphillips.com
Catherine A. Curtis	on behalf of JointAdmin Debtor Wizard Mode Media LLC catherine.curtis@wickphillips.com, brenda.ramirez@wickphillips.com
Catherine A. Curtis	on behalf of JointAdmin Debtor deeproot Funds LLC catherine.curtis@wickphillips.com, brenda.ramirez@wickphillips.com
Catherine A. Curtis	on behalf of JointAdmin Debtor Policy Services Inc. catherine.curtis@wickphillips.com, brenda.ramirez@wickphillips.com
Catherine A. Curtis	on behalf of Debtor deeproot Funds LLC catherine.curtis@wickphillips.com, brenda.ramirez@wickphillips.com
Catherine A. Curtis	on behalf of Debtor deeproot 3 Year Bonus Income Fund LLC catherine.curtis@wickphillips.com, brenda.ramirez@wickphillips.com
Catherine A. Curtis	on behalf of Debtor deeproot 575 Fund LLC catherine.curtis@wickphillips.com, brenda.ramirez@wickphillips.com
Catherine A. Curtis	

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	on behalf of Debtor deeproot Studios LLC catherine.curtis@wickphillips.com, brenda.ramirez@wickphillips.com
Catherine A. Curtis	on behalf of JointAdmin Debtor deeproot 575 Fund LLC catherine.curtis@wickphillips.com, brenda.ramirez@wickphillips.com
Catherine A. Curtis	on behalf of Debtor deeproot Growth Runs Deep Fund LLC catherine.curtis@wickphillips.com, brenda.ramirez@wickphillips.com
Catherine A. Curtis	on behalf of Debtor deeproot Tech LLC catherine.curtis@wickphillips.com, brenda.ramirez@wickphillips.com
Catherine A. Curtis	on behalf of Debtor deeproot Pinball LLC catherine.curtis@wickphillips.com, brenda.ramirez@wickphillips.com
Catherine A. Curtis	on behalf of Debtor deeproot Capital Management LLC catherine.curtis@wickphillips.com, brenda.ramirez@wickphillips.com
Catherine A. Curtis	on behalf of JointAdmin Debtor deeproot Growth Runs Deep Fund LLC catherine.curtis@wickphillips.com, brenda.ramirez@wickphillips.com
Catherine A. Curtis	on behalf of JointAdmin Debtor deeproot Tech LLC catherine.curtis@wickphillips.com, brenda.ramirez@wickphillips.com
Catherine A. Curtis	on behalf of JointAdmin Debtor deeproot BonusGrowth 5 Year Debenture Fund LLC catherine.curtis@wickphillips.com, brenda.ramirez@wickphillips.com
Catherine A. Curtis	on behalf of Debtor Policy Services Inc. catherine.curtis@wickphillips.com, brenda.ramirez@wickphillips.com
Catherine A. Curtis	on behalf of Debtor Wizard Mode Media LLC catherine.curtis@wickphillips.com, brenda.ramirez@wickphillips.com
Catherine A. Curtis	on behalf of JointAdmin Debtor deeproot Capital Management LLC catherine.curtis@wickphillips.com, brenda.ramirez@wickphillips.com
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Catherine A. Curtis	on behalf of Debtor deeproot BonusGrowth 5 Year Debenture Fund LLC catherine.curtis@wickphillips.com, brenda.ramirez@wickphillips.com
Christopher S. Murphy	on behalf of Creditor Texas Workforce Commission bk-cmurphy@oag.texas.gov sherri.simpson@oag.texas.gov
Don Stecker	on behalf of Creditor Bexar County don.stecker@lgbs.com
Jason M. Rudd	on behalf of JointAdmin Debtor deeproot Growth Runs Deep Fund LLC jason.rudd@wickphillips.com, brenda.ramirez@wickphillips.com
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Jason M. Rudd	on behalf of JointAdmin Debtor deeproot Funds LLC jason.rudd@wickphillips.com, brenda.ramirez@wickphillips.com
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Jason M. Rudd	on behalf of Debtor Wizard Mode Media LLC jason.rudd@wickphillips.com, brenda.ramirez@wickphillips.com
Jason M. Rudd	on behalf of Debtor deeproot Tech LLC jason.rudd@wickphillips.com, brenda.ramirez@wickphillips.com
Jason M. Rudd	on behalf of JointAdmin Debtor deeproot Pinball LLC jason.rudd@wickphillips.com, brenda.ramirez@wickphillips.com
Jason M. Rudd	on behalf of JointAdmin Debtor Wizard Mode Media LLC jason.rudd@wickphillips.com, brenda.ramirez@wickphillips.com

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Jason M. Rudd	on behalf of Debtor deeproot Capital Management LLC jason.rudd@wickphillips.com, brenda.ramirez@wickphillips.com
Jason M. Rudd	on behalf of Debtor deeproot 575 Fund LLC jason.rudd@wickphillips.com, brenda.ramirez@wickphillips.com
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John Patrick Lowe	pat.lowe.law@gmail.com plowe@ecf.axosfs.com
Jonathan Petree	on behalf of Creditor CVH University Park LP jpetree@mcsllaw.com
Lynne M Jurek	on behalf of Creditor Mary B. Summy lmjurek@jureklaw.com
Lynne M Jurek	on behalf of Creditor Pauline Rubin lmjurek@jureklaw.com
Lynne M Jurek	on behalf of Creditor JoAnn Wells Trustee Wells Trust lmjurek@jureklaw.com
Lynne M Jurek	on behalf of Creditor Mary G. Marquis lmjurek@jureklaw.com
Lynne M Jurek	on behalf of Creditor David and Paula Burke lmjurek@jureklaw.com
Lynne M Jurek	on behalf of Creditor Judith L. Werner Ttee Judith L. Werner RLT lmjurek@jureklaw.com
Lynne M Jurek	on behalf of Creditor Helene Cook lmjurek@jureklaw.com
Lynne M Jurek	on behalf of Creditor Brenda E. Jennings lmjurek@jureklaw.com
Lynne M Jurek	on behalf of Creditor Karen Ready lmjurek@jureklaw.com
Lynne M Jurek	on behalf of Creditor Clara Dean lmjurek@jureklaw.com
Lynne M Jurek	on behalf of Creditor Jack S. and Shirley Daniel lmjurek@jureklaw.com
Lynne M Jurek	

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on behalf of Creditor Jacquelin A. Peters-Farrar lmjurek@jureklaw.com

Lynne M Jurek

on behalf of Creditor Judy Marsolan lmjurek@jureklaw.com

Lynne M Jurek

on behalf of Creditor Philip J. Erdmann lmjurek@jureklaw.com

Lynne M Jurek

on behalf of Creditor Donald W. Cook lmjurek@jureklaw.com

Lynne M Jurek

on behalf of Creditor Roberta L. Erdmann lmjurek@jureklaw.com

Lynne M Jurek

on behalf of Creditor Clyde R. and Shirley Watson lmjurek@jureklaw.com

Lynne M Jurek

on behalf of Creditor Richard T. Jennings lmjurek@jureklaw.com

Patrick H. Autry

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Randall A. Pulman

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Raymond W. Battaglia

on behalf of Creditor Cliff Conrad rbattagliaw@outlook.com

Raymond W. Battaglia

on behalf of Creditor CCW Braun Heights LLC rbattagliaw@outlook.com

Raymond W. Battaglia

on behalf of Creditor Conrad Car Wash Inc. rbattagliaw@outlook.com

Raymond W. Battaglia

on behalf of Creditor Susan Conrad Trust rbattagliaw@outlook.com

Stephen J. Humeniuk

on behalf of Interested Party Cycladic International LLC stephen.humeniuk@lockelord.com, molly.batiste-debose@lockelord.com;Autodocket@lockelord.com

Stephen J. Humeniuk

on behalf of Interested Party Thomas N. Andrew stephen.humeniuk@lockelord.com molly.batiste-debose@lockelord.com;Autodocket@lockelord.com

Stephen J. Humeniuk

on behalf of Interested Party Cycladic LLC stephen.humeniuk@lockelord.com, molly.batiste-debose@lockelord.com;Autodocket@lockelord.com

United States Trustee - SA12

USTPRegion07.SN.ECF@usdoj.gov

TOTAL: 77